

HOUSE BILL 528

F1, F5

11r1888
CF SB 791

By: **Delegates Luedtke, Alston, Carr, Clippinger, Frick, Frush, Ivey, Kaiser, A. Kelly, Kipke, A. Miller, Mizeur, Morhaim, Niemann, S. Robinson, Rosenberg, F. Turner, ~~and Zucker~~ Zucker, and Burns**

Introduced and read first time: February 7, 2011

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 2011

CHAPTER _____

1 AN ACT concerning

2 **Education – Open Space on Public School Property – Planting and**
3 **Maintaining Gardens**

4 FOR the purpose of requiring county boards of education to encourage the use of open
5 space on public school property for a certain purpose; ~~requiring certain county~~
6 ~~boards to permit the use of certain public school property for certain purposes~~
7 ~~during certain times by certain groups subject to certain requirements;~~
8 ~~requiring certain groups to submit certain plans to the county superintendent of~~
9 ~~schools; requiring certain groups to limit the application of pesticides under~~
10 ~~certain circumstances; authorizing certain county boards to incorporate the use~~
11 ~~of school gardens into certain curriculum guides and courses of study;~~
12 ~~authorizing county boards to use certain produce in school cafeterias in~~
13 ~~accordance with certain laws and regulations; requiring each county board to~~
14 adopt certain procedures; and generally relating to the use of open space on
15 public school property for the planting and maintaining of school gardens.

16 BY adding to

17 Article – Education

18 Section ~~7-108.1~~ 7-108(g)

19 Annotated Code of Maryland

20 (2008 Replacement Volume and 2010 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Education**

4 ~~7-108.1.~~ 7-108.

5 ~~(A)~~ (G) (1) EACH COUNTY BOARD SHALL ENCOURAGE THE USE OF
6 OPEN SPACE ON PUBLIC SCHOOL PROPERTY FOR THE PURPOSE OF PLANTING
7 AND MAINTAINING GARDENS.

8 ~~(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, A COUNTY BOARD~~
9 ~~SHALL AUTHORIZE THE USE OF OPEN SPACE ON PUBLIC SCHOOL PROPERTY FOR~~
10 ~~THE PURPOSE OF PLANTING AND MAINTAINING GARDENS THROUGHOUT THE~~
11 ~~CALENDAR YEAR BY SCHOOLS AND COMMUNITY GROUPS.~~

12 ~~(C) EACH SCHOOL OR COMMUNITY GROUP THAT PLANTS OR MAINTAINS~~
13 ~~A GARDEN ON SCHOOL PROPERTY SHALL:~~

14 ~~(1) SUBMIT A PLAN TO THE COUNTY SUPERINTENDENT FOR~~
15 ~~MAINTENANCE OF THE GARDEN WHEN THE SCHOOL IS NOT OPEN DURING THE~~
16 ~~REGULAR SCHOOL CALENDAR YEAR; AND~~

17 ~~(2) LIMIT THE APPLICATION OF PESTICIDES TO THE GARDEN~~
18 ~~THROUGH THE USE OF ORGANIC VEGETABLE GARDENING TECHNIQUES OR~~
19 ~~INTEGRATED PEST MANAGEMENT.~~

20 ~~(D) A COUNTY BOARD MAY:~~

21 ~~(1) INCORPORATE THE USE OF SCHOOL GARDENS INTO THE~~
22 ~~CURRICULUM GUIDES AND COURSES OF STUDY RELATING TO NUTRITION,~~
23 ~~HEALTH, AND HORTICULTURE INSTRUCTION FOR THE SCHOOLS UNDER ITS~~
24 ~~JURISDICTION; AND~~

25 ~~(2) USE THE PRODUCE GROWN IN SCHOOL GARDENS IN SCHOOL~~
26 ~~CAFETERIAS IN ACCORDANCE WITH FEDERAL, STATE, AND LOCAL LAWS AND~~
27 ~~REGULATIONS GOVERNING FOOD SAFETY.~~

28 (2) EACH COUNTY BOARD SHALL ADOPT PROCEDURES FOR
29 IMPLEMENTING THIS SUBSECTION.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2011.